

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RAFAEL DE LA CRUZ, *on behalf of himself,*  
*FLSA Collective Plaintiffs and the Class,*

Plaintiff,

-against-

**ORDER**

**22-CV-10403 (AT) (JW)**

BROADWAY FOOD MART INC., d/b/a  
DOLLAR JUNCTION, SUTTER DOLLAR  
DISCOUNT INC. d/b/a SUTTER DOLLAR  
DISCOUNT, JOHN DOE CORPORATIONS  
1-100, and BAHIT H. MOTIWALA,

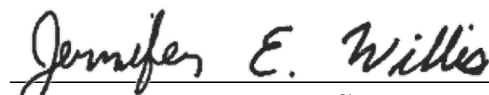
Defendant.

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**JENNIFER E. WILLIS, United States Magistrate Judge:**

The Court is in receipt of Defendants' letter requesting that Plaintiff be compelled to appear for a deposition on May 23, 2024. Dkt. No. 100. The Parties in this action failed to follow the Court's instruction to provide a status update by May 10, 2024. Dkt. No. 99. Evident from Defendants' late-filed letter on May 13, 2024, the history of attempts to schedule Plaintiff's second deposition does not reflect well on either Party. The Parties have until **5:00pm on May 17, 2024**, to send the Court a joint letter informing the Court of the date of Plaintiff's deposition. Otherwise, the Court will pick a date for Plaintiff's deposition, regardless of Plaintiff or Defendants' schedule, and all Parties attendance will be mandatory. The request is DENIED.

SO ORDERED.

DATED: New York, New York  
May 15, 2024

  
JENNIFER E. WILLIS  
United States Magistrate Judge